

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**SUZANNE ABBOTT and
THOMAS O’CONNER,**

Plaintiffs,

vs.

MARY RECHLIN, *et al.*,

Defendants.

2:23-CV-10962-TGB-DRG

**NOTICE OF FILING
DEFICIENCY AND ORDER TO
EITHER PAY FILING FEE OR
SEEK PERMISSION TO
PROCEED IN FORMA
PAUPERIS**

Self-represented plaintiffs Suzanne Abbott and Thomas O’Connor have filed a complaint, asserting a number of constitutional violations in connection with an alleged governmental taking of their property and a related arrest. ECF No. 1. Plaintiffs filed their lawsuit without either paying the required filing fee or asking if they could be allowed to proceed in forma pauperis, that is, to go forward without prepaying the filing fee. Instead, Plaintiffs filed a document titled “Request for Judicial Guidance,” in which they ask the Court to tell them whether they must submit a filing fee. ECF No. 4.

The answer to this question is as follows. The total filing fee for a civil action is \$402.00 (initial fee of \$350.00 plus a mandatory \$52.00 administrative fee). This amount is due at the time of filing. For the case to proceed, Plaintiffs must *either* (1) pay the filing fee or (2) file an application to proceed *in forma pauperis*—meaning, an application to proceed without paying the filing fee. This application is available at

https://www.mied.uscourts.gov/PDFFiles/ApplicationIFP_Non-Fillable.pdf. Plaintiffs must do one or the other within 30 days of the date of this order, or this case will be dismissed for want of prosecution.

To repeat, within **30 days** of this order, Plaintiffs **must pay the total amount of the filing fee or file an application to proceed in forma pauperis**. Should Plaintiffs fail to do so, the Court will presume that they do not intend to proceed in forma pauperis, assess the entire fee, and dismiss the case for want of prosecution. If Plaintiffs' case is dismissed in this way, it will not be reinstated even if Plaintiffs later pay the fee. *See* Fed. R. Civ. P. 41(b); *White v. City of Grand Rapids*, 34 F. App'x 210, 211 (6th Cir. 2002).

The Court cannot offer legal assistance or advise Plaintiffs on the best course of action. But there are free legal clinics that Plaintiffs can contact to get the advice and expertise that they need to best protect their interests. For example, Plaintiffs could contact the University of Detroit Mercy Law Federal Pro Se Legal Assistance Clinic, at (313) 234-2690, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Room 1044 (10th Floor), which may be able to provide useful information.

IT IS SO ORDERED, this 23rd day of May, 2023.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge